IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.18686 of 2007
Date of decision: December 13,2007

Santosh Rani and others V. State of Punjab and others

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE SHAM SUNDER

Present: Mr. M.L.Sachdeva, Advocate, for the petitioners.

J.S.Khehar,J.(Oral)

Through the instant writ petition, the petitioners claim that House Rent Allowance, which was paid to them before 30.8.1988, be protected till the House Rent Allowance which was earlier being paid to the petitioners gets adjusted in terms of the redetermination of the House Rent Allowance payable by the State of Punjab to its employees classified in A, B, C and D categories on the basis of circular dated 30.8.1988. In order to substantiate his claim, learned counsel has placed vehement reliance on the order passed by the Supreme Court in Mohinder Singh and others V. State of Punjab (Special Leave to Appeal (Civil) No. 9149 of 1992 decided on 21.4.1995) as also the decision rendered by this court in Gopal Singh Hans and others V. State of Punjab and others (C.W.P. No.3879 of 2001 decided on 4.2.2003). On the issue in hand, it is the vehement contention of the learned counsel for the petitioners that the petitioners submitted a legal notice dated 15.12.2006 (Annexure P/8) seeking therein the benefits, which were allowed by this court as well as by the Apex Court to persons similarly situated as the petitioners. It is,however, the contention of the learned counsel for the petitioner that no decision has been

taken thereon by the respondents.

Learned counsel for the petitioners states that the petitioners will be satisfied if the instant writ petition is disposed of with a direction to respondents No.2 and 3 i.e. the Directors, Public Instructions (Secondary Education) and (Elementary Education), Punjab requiring them to take a decision on the legal notice dated 15.12.2006 (Annexure P/8).

In view of the limited prayer made by the learned counsel for the petitioners, we are satisfied that the instant writ petition deserves to be disposed of with a direction to respondents No.2 and 3 i.e. the Directors, Public Instructions (Secondary Education) and (Elementary Education), Punjab to take a final decision on the legal notice dated 15.12.2006 (Annexure P/8) by passing a well reasoned speaking order within two months from the date of receipt of a certified copy of this order. It would be appreciated if the aforestated respondents while passing the orders take into consideration the decision rendered by the Apex Court in Mohinder Singh's case (supra) and the decision rendered by this court in Gopal Singh Hans's case (supra) as well as any other judgment relevant on the point. In case the petitioners are found entitled to any monetary benefits, the same shall be calculated and released to them within a further period of one month.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge

December 13,2007
sks

(Sham Sunder)
Judge